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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

NO. 24,200

ROSENDO AND BERTHA
MAGANA d/b/a

FINAL ORDER OF THE BOARD

[PROPOSED]

DARK HORSE INN
1400 YAKIMA VALLEY HIGHWAY
SUNNYSIDE, WA 98944

LICENSEE

License No. 355725
AVN NO. 4A2148A

THIS MATTER having come before the Washington State Liquor Control Board (Board) and the Washington State Liquor Control Board Education and Enforcement Division (Enforcement) by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and ISAAC WILLIAMSON, Assistant Attorney General, ROSENDO AND BERTHA MAGANA d/b/a DARK HORSE INN, Licensee, by and through ROSENDO MAGANA, and the parties having voluntarily entered into a stipulated settlement agreement for case number 24,200, and the Board having considered the Stipulated Settlement Agreement and Enforcement's Memorandum recommending acceptance of the Stipulated Settlement Agreement, and the Board having had the opportunity to review the file materials maintained in this case, now therefore:

IT IS HEREBY ORDERED that the Stipulated Settlement Agreement in the above captioned case is adopted in its entirety; and the AVN for Case Number 24,200 is sustained.

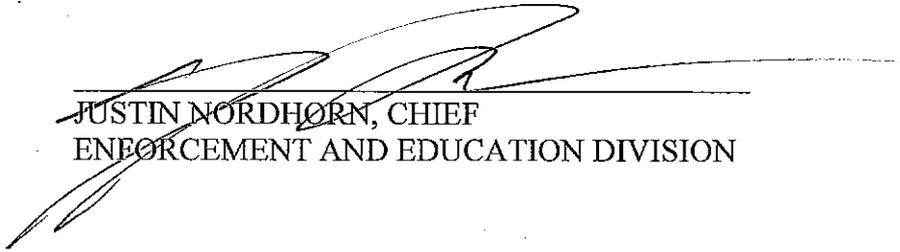
1 Licensee shall pay three hundred dollars (\$300) no later than thirty (30) days after the date of
2 the Final Order of the Board. **The payments shall be sent to:**

3 **Washington State Liquor Control Board**
4 **P.O. Box 43085**
5 **Olympia, WA 98504-3085**

6 In the event that the Licensee fails to make full and timely payment of the three
7 hundred dollar (\$300) monetary penalty, a five (5) day suspension of the Licensee's liquor
8 license will go into effect, the dates and time of which shall be set by the Washington State
9 Liquor Control Board.

10 DATED this 04 day of DECEMBER, 2012.

11 WASHINGTON STATE LIQUOR CONTROL BOARD

12 
13 JUSTIN NORDHORN, CHIEF
14 ENFORCEMENT AND EDUCATION DIVISION

RECEIVED

DEC 03 2012

Liquor Control Board
Board Administration

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

ROSENDO AND BERTHA
MAGANA d/b/a

DARK HORSE INN
1400 YAKIMA VALLEY HIGHWAY
SUNNYSIDE, WA 98944

LICENSEE

License No. 355725
AVN NO. 4A2148A

NO. 24,200

STIPULATED
SETTLEMENT AGREEMENT

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement), by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and ISAAC WILLIAMSON, Assistant Attorney General, and ROSENDO AND BERTHA MAGANA d/b/a DARK HORSE INN (Licensee) by and through ROSENDO MAGANA, hereby enter into this stipulated settlement agreement for Liquor Control Board (LCB) Case Number 24,200.

I. INTRODUCTION

The Washington State Liquor Control Board Enforcement Division issued AVN No. 4A2148A to the Licensee, alleging that on or about May 27, 2012, the above-named Licensee or employee(s) thereof, gave, sold, or otherwise supplied alcohol to a person under the age of twenty-one (21), in violation of RCW 66.44.270.

1 **II. AGREEMENT OF THE PARTIES**

2 Prior to the filing of an administrative complaint, the parties have agreed to resolve
3 AVN No. 4A2148A via settlement. Enforcement and the Licensee agree to the following:

4 1. The parties enter into this Agreement to avoid the time and expense of further
5 litigation.

6 2. The Licensee explicitly waives the right of further administrative review of all
7 matters related to the above-referenced case and AVN. The Licensee hereby voluntarily
8 withdraws its request for a hearing in this matter.

9 3. This Agreement constitutes the final written expression of all the terms of this
10 Agreement, and it is a complete and exclusive statement of these terms.

11 4. The Licensee admits to the violation set forth in AVN No. 4A2148A.
12 Specifically, on or about May 27, 2012, the above-named Licensee or employee(s) thereof,
13 gave, sold, or otherwise supplied alcohol to a person under the age of twenty-one (21) in
14 violation of RCW 66.44.270.

15 5. The Licensee acknowledges that the above referenced violation is the
16 Licensee's first violation of this type within a twenty-four (24) month period, for which the
17 standard penalty is suspension of the Licensee's liquor license for five (5) days or a monetary
18 penalty of five hundred dollars (\$500).

19 6. The Licensee agrees to pay a monetary penalty of three hundred dollars (\$300)
20 for the above-referenced violation.

21 7. The Licensee shall pay the monetary penalty of three hundred dollars (\$300) no
22 later than thirty (30) days after the date of the Final Order of the Board. **Payment shall be**
23 **sent to:**

24 **Washington State Liquor Control Board**
25 **P.O. Box 43085**
26 **Olympia, WA 98504-3085**

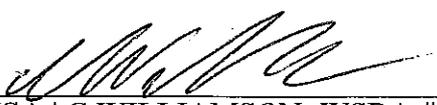
1 8. In the event that the Licensee fails to make full and timely payment of the
2 monetary penalty as required in Section II, Paragraph 7, the Licensee shall serve the standard
3 penalty of a five (5) day suspension of its liquor license, the dates and times of which shall be
4 set by the Washington State Liquor Control Board.

5 9. The Licensee further agrees that all of its employees will participate in a
6 responsible liquor and tobacco sales class provided by Enforcement no later than sixty (60)
7 days after the date of the Final Order of the Board. The Licensee is responsible for
8 coordinating the date, time, and location of the training class through its assigned Liquor
9 Enforcement Officer.

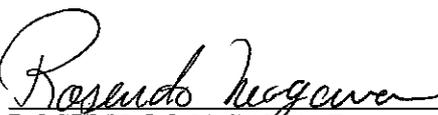
10 10. The parties recognize that this settlement agreement is subject to approval by
11 the Washington State Liquor Control Board.

12 STIPULATED AND AGREED TO by:

13 ROBERT M. MCKENNA
14 Attorney General

15
16 
17 ISAAC WILLIAMSON, WSBA #43921
18 Assistant Attorney General
19 Attorney for Washington State
20 Liquor Control Board Education and
21 Enforcement Division

12/3/12
DATE

22 
23 ROSENDO MAGANA, Representative for
24 ROSENDO AND BERTHA MAGANA
25 d/b/a DARK HORSE INN, Licensee

11/23/12
DATE



Washington State
Liquor Control Board

December 5, 2012

Rosendo and Bertha Magana
d/b/a Dark Horse Inn
417 S 6th St
Sunnyside, WA 98944-1411

Isaac Williamson, AAG
GCE Division, Office of Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

RE: FINAL ORDER OF THE BOARD

LICENSEE: Rosendo and Bertha Magana

TRADE NAME: Dark Horse Inn

LOCATION: 1400 Yakima Valley Hwy, Sunnyside, WA 98944

LICENSE NO. 355725-4F

ADMINISTRATIVE VIOLATION NOTICE NO. 4A2148A

LCB HEARING NO. 24,200

UBI: 601 616 231 001 0002

Dear Parties:

Please find the enclosed Declaration of Service by Mail and a copy of the Final Order of the Board in the above-referenced matter, as well as a copy of the Stipulated Settlement Agreement.

The applicable monetary penalty was received on December 4, 2012. If you have any questions, please contact me at (360) 664-1602.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin McCarroll".

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures

cc: Spokane and Pasco Enforcement and Education Divisions, WSLCB
Teresa Young, WSLCB

1 **WASHINGTON STATE LIQUOR CONTROL BOARD**

2 IN THE MATTER OF:

LCB NO. 24,200

3 ROSENDO AND BERTHA
4 MAGANA d/b/a
5 DARK HORSE INN
6 1400 YAKIMA VALLEY HWY
7 SUNNYSIDE, WA 98944

DECLARATION OF SERVICE BY
MAIL

LICENSEE

8 LICENSE NO. 355725-4F
9 AVN NO. 4A2148A

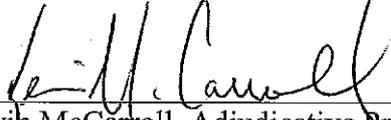
10 I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-
11 referenced matter to be served on all parties or their counsel of record by US Mail Postage
12 Prepaid via Consolidated Mail Service for applicants and licensees, by campus mail for state
13 offices, on the date below to:

15 ROSENDO AND BERTHA MAGANA
16 d/b/a DARK HORSE INN
17 417 S 6TH ST
18 SUNNYSIDE, WA 98944-1411

OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100, GCE DIVISION
ISAAC WILLIAMSON, ASSISTANT
ATTORNEY GENERAL

18 ROSENDO AND BERTHA MAGANA d/b/a
19 DARK HORSE INN
20 1400 YAKIMA VALLEY HWY
21 SUNNYSIDE, WA 98944-1235

22 DATED this 5th day of December, 2012, at Olympia, Washington.

23 
Kevin McCarroll, Adjudicative Proceedings Coordinator

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25
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DECLARATION OF SERVICE BY
MAIL

1

Washington State Liquor Control Board
3000 Pacific Avenue SE
PO Box 43076
Olympia, WA 98504-3076
(360) 664-1602